

Chapter 67 Common Procedures

Sections:

11-67-1	Purpose
11-67-2	Application Forms, Supporting Materials and Fees
11-67-3	Citizen Participation
11-67-4	Review of Applications
11-67-5	Notice of Public Hearings
11-67-6	Conduct of Public Hearings
11-67-7	Records of Actions Taken
11-67-8	Effective Dates
11-67-9	Expiration and Extension
11-67-10	Modification
11-67-11	Revocation of Permits Approved Through a Public Hearing Process
11-67-12	Appeals

11-67-1: Purpose

This chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in the [Zoning Ordinance](#), unless superseded by specific requirement of this Ordinance or State law.

11-67-2: Application Forms, Supporting Materials and Fees

- A. **Applicants.** The following persons may file applications:
1. The owner of the subject property; or
 2. An agent representing the owner, duly authorized to do so in writing by the owner.
- B. **Application Forms.** Applications shall be filed in the office of the [Planning Division](#) on a form provided by the city and shall be accompanied by the required fee.
1. *Application Forms.* The [Zoning Administrator](#) shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Ordinance.
 2. *Supporting Materials.* The [Zoning Administrator](#) may require the submission of supporting materials as part of the application, including but not limited to, statements, photographs, plans, drawings, renderings, models, material samples

and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings shall depict the proposed structure, landscaping, other improvements, and surrounding land uses as they would appear after project completion.

3. *Availability of Materials.* All material submitted in support of a specific application becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the [Planning Division](#) offices. Unless barred by law, copies of such materials shall be made available at a reasonable cost to be established by the City.
- C. **Pre-application Conference Required.** Before filing any applications described by paragraphs E through H, below, the applicant shall submit a preliminary description of the proposal, accompanied by a fee specified by the adopted fee schedule, for review and comment by [Planning Division](#) staff. This preliminary description shall include, at minimum, a site plan and project narrative; both of sufficient scope and detail so as to allow a basic review of location, land area, land use, land use intensity, traffic generation and adjacent streets, stormwater drainage, utility service, and previous case history. The [Planning Director](#) or a [Planning Division](#) staff member designated by the [Planning Director](#) shall return comments to the applicant based on this preliminary review in writing, and orally at a subsequent conference between the applicant, [Planning Division](#) staff, and staff members of other City departments submitting comments. The need for the conference and fee may be waived by the [Planning Director](#) if it is determined sufficient information already exists regarding the request and case site.
- D. **Payment, Waiver and Refund of Application Fees.**
1. *Schedule of Fees.* The City shall establish fees for all application types. Payment of the fee is required in order for an application to be complete. No application shall be processed without payment of the applicable fee unless a fee waiver or deferral has been approved by the [Development and Sustainability Department Director](#).
 2. *Fee Waiver or Deferral.* No fee shall be required when the applicant is the City, or if it is waived or deferred by the [Development and Sustainability Department Director](#) based upon a finding of unique financial hardship or in unique circumstances where it would be unreasonable to impose the normal fee, or to impose such fee at the usual time.
 3. *Refund of Fees.* Once an application is filed with the [Planning Division](#), no part of any application fee shall be refundable, unless the [Development and Sustainability Department Director](#) determines such a refund is justified on the

basis of unique financial hardship and factual circumstances. No refund shall be made for any application that has been denied.

- E. **Applications Requiring City Council or Planning and Zoning Board Approval.** [Applications for Annexation](#), [Rezoning Amendments](#), [Site Plan Modifications](#), [General Plan](#) Amendments, [Site Plan Reviews](#), [Council Use Permit](#), or any other application or discretionary permit, relating to development and requiring [City Council](#) approval, shall be made in the office of the [Planning Division](#) on a form provided and shall be accompanied by the required fee.
- F. **Applications Requiring Board of Adjustment or Zoning Administrator Hearing Officer Approval.** Applications for variances, [Special Use Permit](#), [Development Incentive Permits](#) (DIPs), [Substantial Conformance Improvement Permit](#) (SCIPs), interpretations determined by the [Zoning Administrator](#) to require a public hearing, or any other application or discretionary permit relating to development and requiring approval of the [Board of Adjustment](#) or [Zoning Administrator Hearing Officer](#), shall be made in the office of the [Planning Division](#) on a form provided and shall be accompanied by the required fee.
- G. **Applications Requiring Design Review Board Approval.** Applications for items specified as requiring approval of the [Design Review Board](#), or any other application or discretionary permit relating to development and requiring approval of the [Design Review Board](#) shall be made in the office of the [Planning Division](#) on a form provided and shall be accompanied by the required fee.
- H. **Applications Requiring Historic Preservation Board Approval.** Applications for items specified as requiring approval of the [Historic Preservation Board](#) as listed in [Chapter 74](#) or any other application or discretionary permit relating to development and requiring approval of the [Historic Preservation Board](#) shall be made in the office of the [Planning Division](#) on a form provided and shall be accompanied by the required fee.
- I. **Applications Requiring the Approval of the Planning Director or Zoning Administrator.** Applications for administrative revisions to approved plans, product review of [PAD](#) subdivisions, Administrative Use Permits, [Temporary Use Permits](#), Zoning Permits, or administrative interpretations of the [Zoning Ordinance](#) shall be made in the office of the [Planning Division](#) on a form provided and shall be accompanied by the required fee.
- J. **Applications Requiring Approvals From Multiple Authorities.** If, at the time of a [Pre-Submittal Conference](#), it is determined that a particular request requires reviews and approvals by more than one governing body or authority, and the [Planning Director](#) agrees the applications to each reviewing authority can be consolidated under one development entitlement application, then one application requesting review and approval by each applicable authority shall be made in the office of the [Planning](#)

[Division](#) and shall be accompanied by a total application fee calculated by summing the individual fees for each request as specified by the fee schedule, and then discounting that sub-total by 33%.

11-67-3: Citizen Participation

- A. [Citizen Participation Plan](#). Every application that requires a public hearing in accordance with this Chapter shall be accompanied by a [Citizen Participation Plan](#) designed to provide effective, early and continuous public participation that includes at least the following:
1. A contact list or method for notifying adjacent landowners and other potentially affected citizens of the proposed action, that shall include, but is not limited to:
 - a. Property owners within the maximum public hearing notice area required for that type of application,
 - b. Residents, registered neighborhoods, and homeowners associations that may be impacted as a result of the application, and other neighborhood entities identified by the City,
 - c. Interested parties which have requested that they be placed on a contact list for this application, and
 - d. Interested parties that have been identified by the City.
 2. A general description of how interested persons and those on the contact list may obtain information and updates on the project, such as newsletters, mailings, and meetings.
 3. A general description of how interested persons, including those on the contact list, will be provided an opportunity to discuss the proposal with the applicant, such as neighborhood meetings, phone contacts, or door-to-door visits.
 4. The applicant's proposed schedule for implementation of the [Citizen Participation Plan](#).
 5. How the applicant plans to keep the City informed on the status of the implementation of its [Citizen Participation Plan](#), such as providing staff copies of notices prior to meetings with citizens, and contact lists used to notify interested parties.
- B. **Citizen Participation Report**. The requirements in this Section apply in addition to any notice provisions required elsewhere in this [Zoning Ordinance](#), or by [Arizona Revised Statutes \(ARS\)](#).

1. Applicants shall provide a written [Citizen Participation Report](#) on the results of implementing their [Citizen Participation Plan](#) at least 10 City business days prior to the first scheduled public hearing. The [Citizen Participation Report](#) shall include the following information:
 - a. A summary of neighborhood meetings, if held, including when and where they were held, number in attendance (copies of sign-in sheets), and results achieved at the meeting(s);
 - b. A summary of citizen concerns, issues and problems expressed during the citizen participation process, and how these have been addressed through changes or stipulations to the project; and
 - c. Copies of comment letters, petitions, and other pertinent information received from residents and other interested parties.
2. [City of Mesa](#) staff may apply the [Citizen Participation Guidelines](#), Resolution 7283 (adopted November 2, 1998) as needed to meet the requirements of this section.
3. Failure to comply with the citizen participation provisions of this Section, or a determination that such efforts were insufficient to provide adequate opportunities for citizen participation, may result in postponement, rescheduling or denial of an application.

11-67-4: Review of Applications

- A. **Determination of Complete Application.** The [Planning Director](#), or a member of the [Planning Division](#) staff designated by the [Planning Director](#), shall determine whether an application is complete.
 1. *Incomplete Application.* If an application is incomplete, notification to the applicant shall be sent listing any additional forms, information, and/or fees that are necessary to complete the application.
 2. *Complete Application.* When an application is determined to be complete, a notation on the application shall make a record of that date. If required, a public hearing shall be scheduled and the applicant shall be notified of the date and time.
- B. **Recommendation Required Before Council Hearing of Request.**
 1. Before any Map Amendments, [Site Plan Modifications](#), [Site Plan Reviews](#) or [Council Use Permits](#) shall be considered by the Council, the [Planning Director](#), using guidelines adopted by the [City Council](#), shall refer the request or amendment to the [Planning Hearing Officer](#) or to the [Planning & Zoning](#)

[Return to Page 1](#)

[Board](#), who shall hold a public hearing and forward a recommendation to the [City Council](#).

2. Before any amendments to the text of this Ordinance, the [Planning & Zoning Board](#) shall hold a public hearing and forward a recommendation to [City Council](#).
 3. After the applicable public hearing, the Council may adopt the recommendation of the [Planning Hearing Officer](#) or [Planning & Zoning Board](#) without holding a second public hearing provided there is no objection, request for public hearing or other protest. The [City Council](#), however, shall hold a second public hearing on any application for which a [General Plan](#) amendment is requested.
- C. **Annexation Procedures.** Annexations shall be considered by [City Council](#) in accordance with the procedures specified in [Chapter 78](#).
- D. **Additional Fee for Planning Hearing Officer.** When an application is determined by the [Planning Director](#) as appropriate to be heard by the [Planning Hearing Officer](#) pursuant to the [Planning Hearing Officer](#) guidelines, the applicant may elect to have the matter placed before the [Planning Hearing Officer](#) by submitting the additional fee as specified in a schedule adopted by resolution by the [City Council](#).
- E. **Conditions Requiring Mandatory Supermajority Vote by City Council.** In the event the [City Council](#) is asked to decide upon any proposed Rezoning Amendment, [Council Use Permit](#), [Development Unit Plan](#), [Site Plan Review](#) or [Site Plan Modification](#), amendments to such proposals, or appeals of any such proposals, and upon evidence that all conditions described in one (1), through 3, below, have been satisfied, then the proposal shall become effective only by favorable vote of three-fourths (3/4) of all members of the [City Council](#). If any members of the [City Council](#) are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the [City Council](#), provided that such required number of votes shall in no event be less than a majority of the full membership of the Council. Notwithstanding the foregoing, in all cases, a motion shall pass only if a minimum of 4 Council members vote in favor of the motion.
1. A protest in writing against such a proposal is filed by the owners of 20-percent or more of the area of lots described by conditions in Section 2, below.
 2. Conditions:
 - a. All lots included in the proposal, or
 - b. Within 150-feet and immediately adjacent to the rear or any side of the proposal site, or

- c. Extending 150-feet from the street frontage of the lots opposite the lots included in the proposal.
3. Such written protests shall be filed in the office of the [Planning Director](#) by no later than 12:00 noon the Monday of the week prior to the [City Council](#) meeting at which the proposal is scheduled to be considered, unless City offices are closed on that Monday because of a local, State or national holiday, then the protest must be filed by 12:00 noon the next business day.

11-67-5: Notice of Public Hearings

- A. **Applications to the City Council, Planning and Zoning Board and Planning Hearing Office.** Any amendments, [Site Plan Modifications](#), [Site Plan Reviews](#), [Council Use Permits](#) or any other land use change shall provide:
 1. The same notice of public hearing as required by [ARS § 9-462.04](#) (A) (4); and
 2. Additional notice sent a minimum of 14-days before the scheduled hearing date by first class mail to all owners of property located within 500-feet of the exterior boundary of the property that is the subject of the application, based on the last assessment.
- B. **Applications to the Board of Adjustment or Zoning Administrator Hearing Officer.** Any variances, [Special Use Permits](#), [Development Incentive Permits](#) (DIPs), [Substantial Conformance Improvement Permits](#) (SCIPs), and interpretations determined by the [Zoning Administrator](#) to require a public hearing, shall provide
 1. The same notice of public hearing as required by [ARS § 9-462.06](#) (F); and.
 2. Additional notice sent a minimum of 14-days before the scheduled hearing date by first class mail to all owners of property located within the following distances of the exterior boundary of the property that is the subject of the application, based on the last assessment:
 - a. For any single residence, duplex, or single lot RV or manufactured home: 150-feet.
 - b. For any other request: 500-feet.
- C. **Contents of Notice.** Any notice of public hearing shall include the following information:
 1. A general description of the proposed project or action and the location of the real property, if any, that is the subject of the application;

2. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
 3. The identity of the hearing body or officer;
 4. The names of the applicant and the owner of the property that is the subject of the application;
 5. The location and times at which the complete application and project file may be viewed by the public;
 6. A statement that any interested person or authorized agent may appear and be heard; and
 7. A statement describing how to submit written comments.
- D. Notwithstanding the notice requirements of this Section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the [City of Mesa](#) for which the notice was given.

11-67-6: Conduct of Public Hearings

A public hearing held pursuant to this Ordinance shall comply with the following procedures:

- A. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state their name and address, and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. The presiding officer may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- B. **Continuance of Public Hearing.** The body conducting the public hearing may, by motion, continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing as set forth in [Section 11-67-5](#).
- C. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest on any matter to be heard by it. Such investigation may be made by a committee of one or more members of the body conducting the hearing or by members of its staff or its agents or employees. The facts established by such investigation shall be submitted to the body conducting the hearing either in writing, to be filed with the records of the matter, or in testimony before the body, and may be considered by the body in making its decision.

- D. **Record of Hearing.** The body conducting the hearing shall cause a written summary of all pertinent testimony heard at such public hearing, together with a record of the names and addresses of all persons testifying, to be prepared and filed with the papers relating to such matter.

11-67-7: Records of Actions Taken

Unless otherwise specified in this Ordinance, the minutes of the meeting where a decision is made shall be the official record of any action taken or decision made to approve, approve with conditions, modify, revoke or deny any discretionary permit or discretionary approval (e.g.: [Site Plan Review](#), [Certificate of Appropriateness](#)) under this Ordinance.

- A. **Date of Action.** The responsible body shall decide to approve, modify, revoke, or deny any discretionary permit or discretionary approval following the close of the public hearing, or if no public hearing is required, at a public meeting within the time period required by this Ordinance. The date of action shall be the date of the meeting where a motion or other action is approved.
- B. **Notice of Action.** After the [Zoning Administrator](#) or other responsible body takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Ordinance, Notice of Action shall be sent to the Applicant. The Notice shall describe the action taken, including any applicable conditions, and shall list any required findings that were the basis for the decision. The Notice shall be mailed within seven calendar days from the date of taking the action, to the Applicant at the address (including electronic addresses) stated in the application and to any other person or entity who has filed a written request of such notification.
- C. **Findings.** Findings shall be required for any action of the [Zoning Administrator](#) acting as a [Hearing Officer](#) and for the [Board of Adjustment](#), as required by [ARS § 9-462.06](#) or this Ordinance, and shall be based upon personal observations, consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution by or meeting minutes of the decision-making authority. The findings shall be set forth in the notice that the City issues following an appealable decision by the [Zoning Administrator](#) or other responsible body and in the minutes of the meeting or other record where the decision making authority documents its decision.

11-67-8: Effective Dates

- A. **Approvals Subject to Appeal.** A final decision on an application for any discretionary approval subject to appeal (e.g., a use permit, variance, or site plan approval) shall become effective after the expiration of the appeal period following the date of action, unless an appeal is filed. In accordance with paragraph B, below, no building permit or business license shall be issued until the day following the expiration of the appeal

period, unless the applicant signs a waiver explaining that they understand and accept the risk of proceeding before the appeal period ends.

- B. **Exercising Approval at Risk.** An approved variance or [Special Use Permit](#) or an interpretation favorable to the applicant may be exercised at the applicant's sole risk, and a construction permit (if required) may be issued subsequent to the approval by the [Zoning Administrator](#) or [Board of Adjustment](#). However, if an appeal of the decision is filed in accordance with the provisions of this Ordinance that reverses in whole or in part or modifies the decision and that causes any construction or use commenced as a result of exercising the decision to be in conflict with the appellate body's decision, then such construction permit may be revoked in accordance with the appellate body's decision and any such construction or use may constitute a violation of this Ordinance and may be subject to removal or cessation by the applicant, property owner, or his agent.

11-67-9: Expiration and Extension

A. Expiration.

1. The [City Council](#), in the granting of any permit, or the [Zoning Administrator](#) or the [Board of Adjustment](#), in the granting of any permit or discretionary approval or permit modification or adjustment for which the Administrator or Board has authority, may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The [City Council](#), [Board of Adjustment](#), or [Zoning Administrator](#) may impose upon the permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare. If no time period is otherwise specified, any permit granted under this Ordinance may be declared lapsed and of no further force and effect if it is not exercised or extended within 1 year of its issuance.
 - a. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property in reliance on that permit.
 - b. A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced in reliance upon that permit.
2. Approved applications for [Council Use Permits](#) (CUPs), Variances, [Special Use Permits](#) (SUPs), Substantial Compliance Improvement Permits (SCIPs) and [Development Incentive Permits](#) (DIPs) shall expire after 1 year in the event no action has commenced relating to the development associated with the approved application, unless this time limit is otherwise extended at the time the application is being considered by the approving authority.

[Return to Page 1](#)

- B. **Extensions.** The [Zoning Administrator](#) may approve a one-year extension of any permit or approval granted under this Ordinance upon receipt of a written application with the required fee within one year of the date of the approval. All other extensions shall require approval by the [City Council](#).
- C. **Appeals.** Permits may be declared lapsed by the [Zoning Administrator](#) upon 15 days written notice to the permit holder. The [Zoning Administrator](#)'s determination that a permit has lapsed may be appealed to the [Board of Adjustment](#) in the same manner as any action by the [Zoning Administrator](#).

11-67-10: Modification

- A. **Modifications of Approvals.** The [Planning Director](#) may approve minor modifications to approved plans that are consistent with the original findings and conditions approved by the [Board of Adjustments](#), [Design Review Board](#), [Planning Hearing Officer](#), [Planning & Zoning Board](#) or the [City Council](#) that would not intensify any potentially detrimental effects of the project.
- B. **Changed Plan.** A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan that would affect a condition of approval shall be treated as a new application, except that such changes determined to be minor, in the opinion of the [Zoning Administrator](#), may be approved by the Administrator.

11-67-11: Revocation of Permits Approved through a Public Hearing Process

Any [Council Use Permit](#) (CUP), [Special Use Permit](#) (SUP), [Development Incentive Permit](#) (DIP), or [Substantial Conformance Improvement Permit](#) (SCIP) granted under this Chapter may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith.

- A. **Initiation of Proceeding.**
1. The [City Council](#), by its own action, or following a recommendation from the [Planning & Zoning Board](#) or [Zoning Administrator](#), may initiate revocation proceedings regarding [Council Use Permits](#).
 2. The [Board of Adjustment](#), following a recommendation from the [Zoning Administrator](#), may initiate revocation proceedings for [Special Use Permits](#), [DIPs](#) and [SCIPs](#).
- B. **Public Notice.** Notice that the possible revocation of the permit has been scheduled for hearing shall be made pursuant to the requirements of [Section 11-67-5](#), Notice of Public Hearing.

- C. **Public Hearing.** The public hearing regarding the revocation of a permit shall be conducted in the same manner as was used for the approval of the use permit, pursuant to [Chapter 70](#).
- D. **Required Finding for Revocation.** The [City Council](#), or [Board of Adjustment](#), as applicable, may revoke a permit if it makes any of the following findings:
1. That approval was obtained by means of fraud or misrepresentation of a material fact;
 2. That the permittee or holder of the permit has failed to initiate construction or undertake the use in question within a 1 year period following the effective date of the permit or variance;
 3. That the use in question has ceased to exist or has been suspended for one year or more;
 4. That there is or has been a violation of or failure to observe the terms or conditions of the permit or the use has been conducted in violation of the provisions of this Ordinance, law or regulation; or
 5. That the use to which the permit or applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

11-67-12: Appeals

A final decision on any discretionary permit is subject to appeal according to the standards in [Chapter 77](#) - Appeals. Table 11-67-12 summarizes the appeal process for each body issuing a discretionary permit.

Table 11-67-12: Appeal Bodies	
<i>Initial Decision-Maker</i>	<i>Appeal Body</i>
Historic Preservation Officer	Historic Preservation Board
Zoning Administrator	Board of Adjustment
Zoning Administrator –Alternative Landscape Plan	Design Review Board
Zoning Administrator Hearing Officer	Board of Adjustment
Board of Adjustment	Superior Court , per ARS § 9-462.06.K
Planning Director, Site Plan Modification	Planning & Zoning Board
Planning Director, Design Review	Design Review Board
Historic Preservation Board	City Council
Planning & Zoning Board	City Council
Design Review Board	City Council
Planning Hearing Officer	City Council
City Council	Superior Court , where applicable under state law